

State of Wisconsin



2005 Assembly Bill 47

Date of enactment: April 6, 2006
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2005 WISCONSIN ACT 276

AN ACT to amend 939.74 (2) (a), 939.74 (2) (c), 939.74 (2d) (b) and 939.74 (2d) (c) of the statutes; relating to: time limits for prosecution of certain crimes of sexual assault.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 939.74 (2) (a) of the statutes is amended to read:

939.74 (2) (a) A prosecution under s. 940.01, 940.02, 940.03, ~~or 940.05, 948.02 (1), or 948.025 (1) (a)~~ may be commenced at any time.

SECTION 2. 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02 (2), 948.025 (1) (b), 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d) (c).

SECTION 3. 939.74 (2d) (b) of the statutes is amended to read:

939.74 (2d) (b) If before the time limitation under sub. (1) expired, the state collected biological material that is evidence of the identity of the person who committed a violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile from the biological material, and comparisons of that deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known per-

sons did not result in a probable identification of the person who is the source of the biological material, the state may commence prosecution of the person who is the source of the biological material at any time, for a violation of s. 940.225 (1) ~~or (2)~~, or within 12 months after comparison of the deoxyribonucleic acid profile relating to the violation results in a probable identification of the person, for a violation of s. 940.225 (2).

SECTION 4. 939.74 (2d) (c) of the statutes is amended to read:

939.74 (2d) (c) If before the time limitation under sub. (2) (c) expired, the state collected biological material that is evidence of the identity of the person who committed a violation of s. 948.02 (1) ~~or (2)~~ or 948.025 (1) (b), the state identified a deoxyribonucleic acid profile from the biological material, and comparisons of that deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons did not result in a probable identification of the person who is the source of the biological material, the state may commence prosecution of the person who is the source of the biological material for violation of s. 948.02 (1) ~~or (2)~~ or 948.025 (1) (b) within 12 months after comparison of the deoxyribonucleic acid profile relating to the violation results in a probable identification of the person.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. Initial applicability.

(1) This act first applies to any offense the prosecu-

tion of which is not barred under section 939.74, 2003
stats., on the effective date of this subsection.

